

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

JUSTIN MICHAEL WOLFE,

Petitioner,

v.

CIVIL CASE 1:22-CV-700

HAROLD W. CLARKE, DIRECTOR,  
VIRGINIA DEPARTMENT OF  
CORRECTIONS,

Respondent.

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**JOINT STATUS REPORT**

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In response to the Court's request for a Joint Status Report (ECF 49), the parties respond as follows.

1. On July 7, 2025, the Fourth Circuit Court of Appeals issued an opinion and order (i) vacating and reversing this Court's dismissal of Petitioner Justin Michael Wolfe's Amended Petition for Habeas Relief; (ii) holding that Wolfe satisfied the actual innocence standard; and (iii) remanding for adjudication of Wolfe's habeas claims on the merits. ECF 45 & 47.

2. Under the U.S. Supreme Court's rules, Respondent Chadwick Dotson has 90 days to file a petition for certiorari from entry of the Fourth Circuit's judgment, or through October 6, 2025.<sup>1</sup>

3. Dotson presently anticipates filing a petition for certiorari on or before the due date. With that in mind, Dotson intends to ask this Court to temporarily stay proceedings in this Court

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<sup>1</sup> Dotson is the current director of the Virginia Department of Corrections and is the proper Respondent here.

during the pendency of his writ. Wolfe does not oppose a temporary stay. Dotson intends to file the unopposed motion for a stay on or before August 22, 2025.

4. The Court has ordered the parties to appear before the Court on September 5, 2025, at 10:00 a.m. Notwithstanding Dotson's anticipated stay request, Wolfe believes a status conference is worth the parties' and the Court's time and opposes a continuance. If the Director's cert petition is unsuccessful, Wolfe believes some or all of the issues in the case may be disposed of on summary judgment, and hopes to obtain the Court's guidance on schedule, format, and the like at a conference. The parties can also provide their positions on whether further discovery is warranted (in connection with summary judgment or otherwise) and related issues. Dotson intends to be present for the status conference currently set for September 5, 2025, but asks this Court to continue that hearing in the event that the Court grants the unopposed motion for a stay prior to the date of that hearing..

Dated: August 21, 2025

/s/ Scott Abeles

Scott Abeles\*

Eugene J. Rossi (Va. Bar No. 93136)

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Respectfully submitted,

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